

## **REMARKS/ARGUMENTS**

Claim 6 has been amended. The specification has been amended. Claims 1-8 are in the application. Reexamination and reconsideration of the present application are respectfully requested in light of the following remarks.

Claim 6 has been amended by deleting the phrase "a radiation-cured adhesive material or" so as to avoid redundancy with claim 7.

In the specification, the paragraph beginning at page 11, line 22, has been amended to correct the inadvertent omission of reference characters 610 and 614 of Figure 6 from the description.

The Applicant acknowledges the absence of page 8 from the initial submission of the PTO-1449 referred to in the pending Office Action. There was no additional art listed on page 8, a copy of which is herein enclosed.

Claims 1-3 and 5-7 have been rejected under 35 U.S.C 103(a) as being unpatentable over Rea et al. (U.S. patent No. 6,720,050 B2). Claims 1-3 and 5-8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rea et al. in view of Miekka et al. (U.S. patent No. 6,540,865 B1). Claims 1-8 have been rejected under 35 U.S.C 103(a) as being unpatentable over Rea et al. in view of Miekka et al. and Creegan et al. (U.S. patent No. 3,914,484). These rejections are respectfully traversed for the following reasons.

The Applicant's claimed invention, as specified in claim 1, relates to a heat seal laminate comprising a particular layered construction. The construction is as follows: a facestock having an upper surface and a lower surface; a laminating adhesive overlying the upper surface of the facestock; a carrier layer being adhered to the laminating adhesive; and a heat-activatable layer, comprising a heat-activatable adhesive or thermoplastic film, having an upper surface and a lower surface, the upper surface of the heat-activatable layer being adhered to the lower surface of the facestock, and a layer of ink or graphics overlying the lower surface of the heat-activatable layer. This

layered construction is neither disclosed nor suggested in the art cited by the Examiner in the foregoing rejections.

Rea et al. discloses a laminate label construction. Referring to Figs. 1 and 2, the construction comprises a facestock 6 having an upper and lower surface; a radiation-curable adhesive 4 on the upper surface of the facestock; a protective polymer layer 2 on the radiation-curable adhesive; a pressure sensitive adhesive (PSA) layer 8 on the lower surface of the facestock; and a release liner 9 or polyolefin container 10 on the PSA. Rea et al. teaches that the PSA may comprise any suitable PSA, including those that are printable. The Examiner states that the radiation-cured adhesive is relied upon to read on the claimed laminating adhesive, that the protective polymeric layer is understood to read on the claimed carrier layer, and that the facestock is understood to read upon the claimed facestock. The Examiner also alludes to the idea that the PSA is relied upon to read on the claimed heat-activatable layer. The Applicant respectfully disagrees with this assessment.

Rea et al. does not disclose or suggest that a heat-activatable layer could be substituted for the PSA layer in the laminate label construction disclosed in Rea et al. The heat-activatable layer specified in the Applicant's claims is clearly distinguishable from the PSA layer disclosed in Rea et al. For example, a PSA layer is tacky to the touch at room temperature and is activatable by the application of pressure. It requires the use of a release liner or other form of protection (for example, providing the label construction in roll form) to permit handling and/or treatment of the label construction prior to being laminated to a substrate. On the other hand, the heat-activatable layer specified in the Applicant's claims is not tacky to the touch at room temperature, and only becomes activated and thereby tacky to the touch with the application of heat. As a result, the Applicant's claims refer to the claimed laminate construction as being a "heat seal laminate." The end uses for PSA label constructions such as those disclosed in Rea et al. and heat seal laminates such as those specified in the Applicant's claims are clearly distinguishable. For example, PSA constructions may

be used for labels, postage stamps, and the like, where the adhesive layer for the label construction is tacky to the touch at room temperature and is adhered to a substrate with the application of pressure. Heat seal laminates, such as those specified in the Applicant's claims, are not tacky to the touch at room temperature and must be heat sealed to a substrate (for example, an animal tag) using heat-sealing techniques employing temperatures that may be, for example, in the range from about 100°C to about 300°C; see Applicant's specification at page 12, lines 12-27.

The Examiner contends that since the PSA layer disclosed in Rea et al. can be printable, then it would have been obvious to print the adhesive taught in Rea et al. However, since Rea et al. does not disclose or suggest a heat-activatable layer in place of the PSA layer disclosed in Rea et al., the claimed ink or graphic layer overlying the claimed heat-activatable layer cannot be obvious over the printable PSA in Rea et al.

Rea et al. teaches that the facestock may comprise a single layer film or a multi-layer film as suggested in Applicant's claims 2 and 3, and that it may comprise polyvinyl chloride as in Applicant's claim 5. In its laminate label construction, Rea et al. teaches that there is a radiation-cured adhesive and a PSA on the facestock and Applicant's claims 6 and 7 state that the laminating adhesive comprises a radiation-cured adhesive material or a PSA, respectively. These points do not make up for the fact that Rea et al. is missing both the heat-activatable layer and the ink or graphics layer claimed by the Applicant.

Rea et al. does not disclose or suggest the invention specified in Applicant's claims 1-3 and 5-7. It is respectfully submitted that the rejection in claims 1-3 and 5-7 over Rea et al. is not warranted and should be withdrawn.

The Examiner admits that Rea et al. does not disclose or suggest the heat seal laminate specified in Applicant's claim 8. To make up for the deficiencies in Rea et al., the Examiner cites Miekka et al. Miekka et al. discloses prelamine pressure sensitive adhesive constructions. Referring to Fig. 5, Miekka et al. discloses a detackified layer 44 disposed on a surface of the PSA layer 42. Miekka et al. also teaches that the

detackified layer may be printed (col 32, lines 14+). Miekka et al. does not disclose or suggest the use of a detackified layer disposed on a heat-activatable layer as is specified in the Applicant's claim 8. Therefore, Miekka et al. does not make up for the deficiencies in Rea et al.

It is respectfully submitted that the rejection of claims 1-3 and 5-8 over the teachings of Rea et al. in view of Miekka et al. is not warranted and should be withdrawn.

The Examiner further admits that Rea et al. in combination with Miekka et al. does not disclose the heat seal laminate specified in Applicant's claim 4. To make up for the deficiencies in Rea et al. and Miekka et al., the Examiner cites Creegan et al. Creegan et al. discloses pressure sensitive adhesive labels. Creegan et al. teaches that the adhesive in these pressure sensitive adhesive labels is a polyurethane elastomer. The Examiner contends that it would have been obvious to utilize the polyurethane adhesive taught in Creegan et al. as the PSA taught in Rea et al. However, Applicant's claim 4 is directed to a heat-activatable layer that comprises a polyurethane based adhesive, not a pressure sensitive adhesive. Therefore, it would not have been obvious to use the polyurethane based PSA disclosed in Creegan et al. in place of the heat-activatable layer specified in the Applicant's claim 4.

Creegan et al. does not make up for the deficiencies in Rea et al. to render the Applicant's claims 1-8 obvious. Neither Rea et al., nor Creegan et al. disclose or suggest the heat seal laminate construction required by claims 1-8.

It is respectfully submitted that the rejection of claims 1-8 over the teachings in Rea et al., Miekka et al., and Creegan et al. is not warranted and should be withdrawn.

Applicants respectfully submit that the subject application is now in condition for allowance. A Notice of Allowance is respectfully solicited. In the event additional fees

are required by the filing of this response, such fees may be charged to Deposit Account No. 18-0988. Should the Examiner have any questions concerning this response, he is invited to contact the undersigned attorney by telephone.

Respectfully submitted,

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